

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SYNCORA GUARANTEE INC., formerly
known as XL CAPITAL ASSURANCE INC.,

Plaintiff,

-against-

EMC MORTGAGE CORPORATION,
Defendant.

Civ. Action No. 09 CV 3106 (PAC)

~~PROPOSED~~ AMENDED
SCHEDULING ORDER

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 13 SEP 2010

PAUL A. CROTTY
UNITED STATES DISTRICT JUDGE


It is hereby ORDERED that the dates in the above-captioned proceeding set forth in the May 5, 2009 Civil Case Management Plan and Scheduling Order, the Amended Schedule Order dated January 19, 2010 and the Amended Scheduling Order dated March 23, 2010, have been adjourned as follows:

1. All fact depositions and fact discovery must be completed by January 14, 2011, except that borrower discovery may continue until 90 days prior to trial.
2. Requests to Admit must be served by February 4, 2011.
3. The designation of expert testimony and disclosure of expert reports as to any issue on which a party has the burden of proof ("Opening Reports") must be made by February 18, 2011.
4. All expert reports responsive to Opening Reports ("Opposition Reports") must be disclosed by March 18, 2011.
5. By April 18, 2011, the opening parties must disclose any reply reports rebutting specific material in the Opposition Reports ("Rebuttal Reports").

6. All expert discovery, including depositions, must be completed by May 16, 2011.
7. All motions for summary judgment must be served by June 13, 2011.
8. All oppositions to summary judgment must be served by July 11, 2011.
9. All reply briefs in support of summary judgment must be served by July 25, 2011.
10. The parties will submit a joint pretrial order on September 26, 2011.
11. Trial shall begin no earlier than October 10, 2011.

Dated: New York, New York
September 8, 2010 *AK*

SO ORDERED:



PAUL A. CROTTY
UNITED STATES DISTRICT JUDGE

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September 9, 2010

BY E-MAIL

The Honorable Paul A. Crotty
United States District Court for the Southern District of New York
Daniel Patrick Moynihan United States Courthouse
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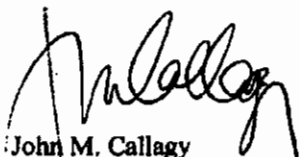
Re: *Syncora Guarantee, Inc. v. EMC Mortgage Corporation*,
No. CV-09-3106 (PAC)


Dear Judge Crotty:

We are counsel to the Plaintiff and Defendant in this action. Pursuant to our recent correspondence with the Court, the parties jointly request an extension of the fact discovery deadline as set forth in the enclosed Proposed Amended Scheduling Order. The prior Amended Scheduling Order filed on March 23, 2010 is also attached for Your Honor's reference. The parties have twice obtained extensions of the fact discovery deadline.

The reason for this joint request is that the parties have experienced difficulty scheduling depositions, and there are issues with document production that the parties are attempting to resolve. The proposed amended scheduling order also reflects an extension of the other dates to accommodate the extension to the fact discovery deadline.

Respectfully submitted,


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The Honorable Paul A. Crotty
September 9, 2010
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Enclosures

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